

EV 323 268399

- 6 -

1 Remarks

By this amendment, claims 1 through 26 are pending in the application. Two dependent claims have been added. The independent
 5 claims are claim 1, 11, 16, 20, and 24.

The currently named inventor is the inventor for each claim, therefore no amendment of inventorship is required.

Drawings

10

Applicant has noticed that the Examiner has not commented on the drawings or provided a Notice of Draftperson's Drawing Review. Applicant respectfully requests that the Examiner indicate whether the drawings as filed are allowable.

15

Rejections under 35 USC §102

The examiner has rejected claims 1 — 7, 9, 11, 12, 14 and 15 as being anticipated by Losada '883. The examiner has additionally rejected claims 1, 3, 5, 6, and 7 as also being anticipated by Van Allman, and finally
 20 the examiner has rejected claim 8 on the basis that Van Allman anticipates it, as Van Allman teaches that the stud can extend below the bearing surface.

Applicant agrees with the examiner, that Van Allman at column 7, lines 31 through 36 say that the stud in Van Allman can extend below the bearing surface; however, Applicant still feels that claim 8 is allowable over
 25 Van Allman and Losada '883 in light of other features that it claims, specifically, Van Allman and Losada '883 fail to teach "extending portions" as used in the present application.

Independent, rejected claim 1, and its dependent, rejected claims, claims 2 — 9, all call for an "extending portion extending from the bearing
 30 surface [of the plate]". In the present claims, when applicant calls for an "extending portion", the extending portions extends from the bearing surface, not the top surface (see page 13, line 10). The extending portions, as described at page 4, lines 12 — 14, page 14, lines 1 — 5, and page 16, lines 8 — 21 are part of the bearing surface and extend into or toward, and
 35 come into contact with the substrate.

1 Applicant does not see corresponding structures in Van Allman or
Losada '883, and respectfully requests that the rejections of claim 1 — 9 be
removed, and that claim 10 be allowed without amendment.

Independent, rejected claim 11, which was also rejected on the basis
5 of the same references, and its dependent, rejected claims, 12, 14 and 15 do
not call for an "extending portion"; however, claim 11 calls for "guide
means", and according to the specification at page 11, line 21 through page
12, line 4, the extending portions can comprise guide means.

Applicant assumes that the Examiner has rejected claim 11 on this
10 basis, and feels that the discussion with respect to claim 1 clarifies what is
meant by "extending portion" such that when "guide means" in claim 11 is
read to encompass the "extending portions" as described in the present
application, it cannot be said to read on the prior art.

Applicant respectfully requests that the Examiner remove the rejection
15 of claim 11, with respect to this basis, and clarify, if he is rejecting the claim
on another basis, as would appear to be the case in light of the rejection of
claim 12.

With respect to claim 12, claim 12 calls for the "guide means" to
comprise "a groove". Applicant would appreciate clarification from the
20 examiner as to which structure in Losada '883 corresponds to the groove of
claim 12.

With respect to claim 14, claim 14 calls for the "guide means" of
claim 11 and further comprises "a raised portion formed in said plate".
Applicant would appreciate clarification from the examiner as to which
25 structure in Losada '883 corresponds to the "guide means" and which
structure in Losada '883 corresponds to the "raised portion" of claim 14.
Applicant feels its comments with respect to claim 11 are applicable here
with respect to the term "guide means".

With respect to claim 15, claim 15 depends from claim 12 and
30 specifies that the "groove extends parallel to the plane of said attachment
leg". Applicant, again, respectfully asks for clarification from the examiner
with respect to the structure in Losada '883 which corresponds to the
groove of claim 12.

35 Amendments and Additional Claims

1 Applicant has amended typographical errors in claims 7 and 8 —
"bellow" should be "below" — and in claims 21, 22 and 23 — "faster"
should be "fastener".

Applicant has also amended claim 9 to make it clear that the
5 "extending portion" can serve as a guide means when used in combination
with a track for fastener assemblies. No new matter is added by this
amendment. According to the specification at page 11, line 21 through page
12, line 4, the extending portions can comprise guide means.

Applicant has also added two additional claims that depend from
10 claims 12 and 13. The new claims add the limitations of claim 14 to claims
12 and 13.

Allowable Subject Matter

15 Applicants would like to thank the examiner for his indication that
claims 16 — 24 are allowable, and that claims 10 and 13 would be allowable
if they did not depend from a rejected base claim.

Conclusion

20

In view of the above, it is submitted that the claims are in condition
for allowance. Reconsideration and withdrawal of the rejections made by the
examiner is requested. Allowance of the claims at an early date is solicited.

The undersigned wishes to state that if the Examiner has questions
25 about this response, the undersigned would be most happy to try to answer
them on the telephone.

Respectfully submitted,

30

Reg. No. 41694

By: 

Charles R. Cypher
Applicant's attorney
1607 Financial Center Building
405, 14th Street
Oakland, CA 94612-2747
Telephone: (510) 832-4111
Fax: (510) 832-4115

35

Date: July 31, 2003